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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,502	11/15/2003	Clair John Glossner III	YOR919990548US4 (8728-341)	9966
46069	7590	11/21/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			PAN, DANIEL H	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/713,502

Applicant(s)

GLOSSNER ET AL.

Examiner

Daniel Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,5-11, 14,16-22, 25,27-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-2, 4, 12,13,15,23-24, 26,34-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,5-11,14,16-22,25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

1. Clams 3,5-11,14,16-22,25,27-33 remain for examination. Claims 1-2, 4, 12,13,15,23-24, 26,34-60 have been canceled. T.D. filed on 04/25/05 has been entered.
2. Claims 3,5-11,14, 16-22, 25,27-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. As to the newly amended features, see response to applicants remarks below in this action. The corrections of claim 16, 20,21, 22 have been entered.
4. The rejections to clams 3,5-11 ,14, 16-22, 25,27-33 are maintained and incorporated by reference the last office action.
5. The response filed on 09/11/06 has been fully considered but is not persuasive.
6. In the remarks, applicant argued that :
  - a) pointer array electrically coupled by a bus to the vector data file, and the bus grounds the claim in hardware;
7. As to a) above, although a bus may be a hardware, applicant does not restrict his clamed invention to the hardware (page 10, lines 17-19). Instead it has the hardware, software, or the software and hardware combination (see page 10, lines 10-19). The hardware and the combination of software and hardware are statutory. However, the invention implemented in software alone (page 10, line 12) raised a doubt as what applicant intended to seek for protection. Therefore, the bus is not necessarily a hardware. The amended electrically coupled bus is directed to signal transmission. Signal transmission is a form of energy. Therefore, it is non-statutory (see

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101 interim Guidelines , page 57, lines 4-5). Furthermore, no substantial practical application can be found for the update of the pointer array entries. As to the computer processor having a vector register architecture, the register architecture could be a pure software construct. As to the computer implemented method in the preamble in claim 14, whether the computer implemented or not is not determinative whether the claimed method is statutory (see 101 Interim Guidelines , page 48). As to claims 25,27,31,32,33, the practical application of the updated pointer array entries is not clear. Although the claims additionally recite the program storage device readable by machine, tangibly embodying a program of instruction executable by machine to perform the method steps, no details of the program instructions, nor the machine, nor the program storage can be found in the claim body. Therefore, it is read as a general functionality of an arrangement of the generic parts. The focus is not on the step or feature to achieve a final result which is useful, concrete, and tangible, but rather than a final result achieved which is useful, concrete, and tangible. The final result of the method steps, such as the updating is unclear. Therefore, no substantial practical application can be found.

8. Clams 3,5-11 ,14,16-22, 25,27-33 are allowable over the art of record upon pending condition of the "101" set forth in this action. Reasons for allowance were given in the prior office action on 12/23/05.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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## ***21 Century Strategic Plan***

DANIEL H. PAI  
PRIMARY EXAMINER  
GROUP